



# CVCWA

## Central Valley Clean Water Association

*Representing Over Sixty Wastewater Agencies*

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July 29, 2009

Betty Yee  
California Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, #200  
Rancho Cordova, CA 95670

Sent via email to [byee@waterboards.ca.gov](mailto:byee@waterboards.ca.gov)

**SUBJECT:** Non-regulatory Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to Correct Editing Errors and Update Language

Dear Ms. Yee:

The Central Valley Clean Water Association (CVCWA) has reviewed the proposed *Non-regulatory Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to Correct Editing Errors and Update Language* (proposed amendments). Based on our review, we are concerned that several of the proposed amendments are substantive in nature and inappropriate for inclusion in this proposed action.

More specifically, CVCWA takes exception with all of the proposed amendments that reference the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, as revised in 2006 (2006 Bay-Delta Plan). The 2006 Bay-Delta Plan, and its revisions to water quality objectives as implied by the Central Valley Regional Water Quality Control Board's (Regional Water Board) proposed amendments, have not yet been approved by the U.S. Environmental Protection Agency. Until such time that the water quality objectives expressed in the 2006 Bay-Delta Plan are approved by U.S. EPA, such objectives are not applicable. (See 40 C.F.R. § 131.21.) Thus, all references to the 2006 Bay-Delta Plan are inappropriate and need to be removed from the list of proposed amendments.

Next, CVCWA takes issue with the proposed amendment that describes the State Water Resources Control Board's (State Water Board) *Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits*. CVCWA does not oppose the inclusion of this newly adopted policy being referenced in the Basin Plan. However, the description of the policy

should be revised as follows to ensure that it accurately portrays the policy's provisions and requirements.

The State Water Board's Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits authorizes the Regional Water Board to adopt Compliance schedules in NPDES permits ~~are discretionary regulatory tools to help companies and public waste water treatment systems that discharge waste into state and federal waters to assist NPDES permit holders to meet changes and/or new interpretations in pollution control standards. The state issues National Pollutant Discharge Elimination System (NPDES) permits to each of these regulated entities. A compliance schedule in the permit allows a discharger additional time to implement actions to comply with revised permit limitations based on changes and/or new interpretations in water quality standards. A discharger's actions may include, but are not limited to, designing and constructing facilities or implementing new or significantly expanded programs and securing financing, if necessary. change procedures or operations, as well as finance and construct facilities to meet changes and/or new interpretations in water quality standards. This policy provides guidance on the appropriate use of compliance schedules in NPDES permits.~~

Finally, CVCWA questions the Regional Water Board's proposed removal of language that allows the Regional Water Board to adopt short-term variances from the Basin Plan. The removal or deletion of a policy provision of this nature in the Basin Plan is more than a "non-regulatory" edit. Thus, this proposed amendment must be considered as part of a full Basin Plan amendment process that complies with all relevant statutory and regulatory requirements.

Thank you for your consideration. Please contact me directly at (530) 268-1338 if you have any questions.

Sincerely,



Debbie Webster